

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-16 and 18-20 are pending in the application, with claims 1, 6, 10, 12, 19 and 20 being the independent claims. Claim 17 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. No new claims are sought to be added. Independent claim 12 is sought to be amended by incorporating the subject matter of original dependent claim 17 into amended claim 12. Dependent claim 18 is amended to recite its dependency on claim 12. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Beser in view of Eng – Claims 12, 13, 16 and 18-19

Claims 12, 13, 16 and 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,847,635 to Beser (hereafter “*Beser*”) in view of U.S. Patent No. 7,194,009 to Eng (hereafter “*Eng*”). *Office Action at p. 3.* Applicant respectfully traverses this rejection.

Amended independent claim 12 recites a feature of “a serial packet sync encoder that encodes a serial packet sync datastream wherein the serial packet sync datastream includes a preamble and the packet sync vector.” Original claim 19 recites

a similar feature. As the Examiner concedes, the *Beser* reference fails to disclose “a serial packet sync datastream.” *Office Action at p. 3*. However, the Examiner asserts that reference *Eng* discloses an “upstream processing unit 506 ... receiving packets.” *Id.* In rejecting old claim 17, the Examiner further asserts that reference *Eng* discloses “having a MPEG-2 transport packet ... comprised of synchronization word (‘sync vector’) and a 13-bit packet identifier or PID (‘preamble’),” *Office Action at p. 5*.

Even assuming *arguendo* that *Beser* and *Eng* may be combined in the manner asserted by the Examiner (which Applicant does not concede), the alleged combination does not disclose, teach or suggest the above cited feature in amended claim 12 and in original claim 19. Reference *Eng* discloses an “upstream processing unit 506” at which “[u]pstream IP packets ... are queued” and at which “[p]ayload IP packets 488 emerges (sic).” *Eng at Col. 6, Lns. 39-42 and 52-53*. Nowhere does reference *Eng* disclose a “serial packet sync encoder,” as claimed in amended claim 12 and in original claim 19. In fact, *Eng* is silent on the function of the upstream processing unit 506, other than a vague reference to “queued” packets. Therefore, the alleged *Beser-Eng* combination fails to disclose a “serial packet sync encoder,” and therefore, on this basis alone, fails to disclose each and every element of amended claim 12 and original claim 19.

Moreover, the alleged *Beser-Eng* combination fails to disclose, teach or suggest “a serial packet sync encoder that encodes a serial packet sync datastream wherein the serial packet sync datastream includes a preamble and the packet sync vector,” as claimed in amended claim 12, and similarly claimed in original claim 19. Even assuming *arguendo* that the “upstream processing unit 506” discloses a “serial

packet sync encoder” (which Applicant does not concede as the above discussion demonstrates), upstream processing unit 506 does not “encode a ... packet sync datastream [that] includes a preamble and the packet sync vector.” The Examiner asserts that a “MPEG-2 transport packet” comprising a “synchronization word” and “a 13-bit packet identifier” provides such a disclosure. *Office Action at p. 5.* However, the “MPEG-2 transport packet” is a **downstream** packet (*see Eng at Col. 3 Lns. 19-21 and Col. 5, Lns. 5-8, 14-16*), while the alleged “encoder” is an “**upstream** processing unit.” Accordingly, the alleged *Beser-Eng* combination fails to disclose a “a serial packet sync encoder that encodes a serial packet sync datastream wherein the serial packet sync datastream includes a preamble and the packet sync vector,” and therefore, on this basis alone, fails to disclose each and every element of amended claim 12 and of original claim 19.

Finally, the alleged *Beser-Eng* combination fails to disclose, teach or suggest “a serial packet sync transmitter that transmits said serial packet sync datastream on a single pin,” as claimed in original claim 19. The Examiner asserts that *Eng* provides such a disclosure by “transmitters 194 ... transmitting packets.” *Office Action at p. 7.* However, *Eng* discloses only the **logical** connection between transmitters 194 and the diplex filter 460. *See Eng at Col. 6, Lns. 51-52.* Nowhere does *Eng* describe the **physical** connection between the transmitter 194 and the diplex filter 460. Certainly, it does not disclose that the physical connection is via “a single pin.” Accordingly, the alleged *Beser-Eng* combination fails to disclose a “a serial packet sync transmitter that transmits said serial packet sync datastream on a single pin, and therefore, on this basis alone, fails to disclose each and every element of original claim 19.

Absent these teachings in the asserted *Beser-Eng* combination, amended claim 12 and original claim 19 are not rendered obvious and therefore Applicant respectfully requests that the rejections to claims 12 and 19 be withdrawn.

Dependent claims 13, 16 and 18 are patentable for at least the same reasons as independent claim 12 from which they directly or indirectly depend, and further in view of their own respective features. Applicant respectfully requests that the rejections to claims 13, 16 and 18 be withdrawn.

***Beser* in view of *Eng* in view of *Bernath* – Claims 14-15**

Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,847,635 to *Beser* (hereafter “*Beser*”) in view of U.S. Patent No. 7,194,009 to *Eng* (hereafter “*Eng*”), and in further view of U.S. Patent 6,629,288 to *Bernath et al.* (hereafter “*Bernath*”). *Office Action at p. 7.* Applicant respectfully traverses this rejection.

The rejection to claim 12, from which claims 14 and 15 depend, was traversed above based on the lack of disclosure, teaching or suggestion of the alleged *Beser-Eng* combination regarding features recited in claim 12. Even assuming *arguendo* that *Beser*, *Eng* and *Bernath* may be combined in the manner asserted by the Examiner (which Applicant does not concede), *Bernath* does not remedy the above deficiency of the *Beser-Eng* combination. *Bernath* discloses a communication device having a programmable media access controller supported by a programmable CRC engine. *Bernath, Abstract.* Nowhere does *Bernath* disclose, for example, "a serial packet sync encoder that encodes a serial packet sync datastream wherein the serial packet sync

datastream includes a preamble and the packet sync vector," as recited in claim 12. Absent this teaching in *Beser*, *Eng* or *Bernath*, and therefore in the asserted *Beser-Eng-Bernath* combination, claim 12 and therefore claims 14 and 15, which depend upon claim 12, are therefore not rendered obvious. Applicant respectfully requests that the rejections to claim 14 and 15 be withdrawn.

Eng in view of Bernath – Claim 20

Claim 20 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 7,194,009 to Eng (hereafter "*Eng*") in view of U.S. Patent 6,629,288 to Bernath *et al.* (hereafter "*Bernath*"). *Office Action at p. 9*. Applicant respectfully traverses this rejection.

Original independent claim 20 recites a feature of "a serial packet sync receiver that receives a serial packet sync datastream on a **single pin**" (emphasis added). The Examiner asserts that reference *Eng* discloses a "downstream receiver 420 receiving RF signal 412 on a **single link** ... the RF signal is a MPEG-2 transport stream TS1." *Office Action at p. 9 (emphasis added)*. However, the disclosure of a signal on a **single link** does not anticipate a **single pin**. *Eng's* disclosure of a single link refers to a **logical** connection. Nowhere does *Eng* describe the **physical** connection along which the serial packet sync datastream is received. Moreover, *Bernath* fails to remedy this deficiency. In fact, to the contrary, *Bernath* refers to "[a] peripheral bus 110 and [a] system bus 112." *See Bernath at Col. 6, Ln. 38*. Accordingly, the alleged *Eng-Bernath* combination fails to disclose a "a serial packet sync receiver that receives a serial packet sync datastream on a single pin," and

therefore, on this basis alone, fails to disclose each and every element of original claim 20. Applicant respectfully requests that the rejection to claim 20 be withdrawn.

Allowable Subject Matter

Applicant acknowledges with appreciation the Examiner's indication that claims 1-11 are allowed.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is
respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Michael D. Specht". The signature is fluid and cursive, with the first name "Michael" and last name "Specht" clearly distinguishable.

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